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Forty-ninth session

SUMMARY RECORD OF THE 17th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Thursday, 11 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. FLINTERMAN (Netherlands)

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* The summary record of the first part of the meeting appears as document E/CN.4/1993/SR.17.

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1. Mr. OLDEN (Centre Europe-Tiers Monde) denounced the contract for the supply of 60 aircraft by the Swiss firm "Pilatus" to the South African Air Force, which represented a violation of the United Nations embargo on the supply of military equipment to South Africa brought into force by Security Council resolutions 418 (1977) and 591 (1986). His organization, together with the Swiss Anti-Apartheid Movement, denounced the irresponsible manner in which the Government of Switzerland addressed the issue, in spite of the condemnation to which it had given rise. Although the Swiss Government claimed that the sale was not a violation of the arms embargo, as the aircraft were mainly for training purposes, the same aircraft had been used in a number of combat situations, particularly in Guatemala and Iraq. They would be used to train military pilots who would be employed by South Africa in its interventions in Angola, where it supplied UNITAR forces. Complaints concerning violations of their airspace by South Africa had been lodged by virtually all the front-line States.

2. The Swiss Government contented itself with trusting the Government of South Africa not to use the aircraft for military purposes. However, the assurances provided by the Government of South Africa were hard to credit and the attitude of the Swiss Government was indicative of a mercantile mentality that had made possible a further violation by Switzerland of the international arms embargo against South Africa, which the Commission on Human Rights should condemn.

3. Mrs. FARHI (World Jewish Congress), speaking also on behalf of the International Council of Jewish Women, reiterated the concern felt by both organizations at the relentless upsurge of contemporary racism and violence inspired by race, religion or ethnic or national origin. Unfortunately, the call made by 19 non-governmental organizations the previous year for effective measures to contain that alarming phenomenon had not produced a response capable of stopping, or much less reversing, that trend, nor had Commission resolution 1992/88 provided an adequate response.

4. Ethnic violence had intensified in the former Yugoslavia, racial conflict had again broken out in Pakistan and India, while anti-Semitism still raged throughout eastern and western Europe. The report of the Secretary-General to

the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/11) had provided abundant examples of anti-Semitism in its old and new forms, as well as ample documentation on racist ideology embracing cultural relativism and revisionism.

5. The research arm of the World Jewish Congress had recently published the first of a series of annual reports intended to provide an internationally recognized means of monitoring the advance or retreat of racism and assessing whether governmental and judicial authorities had taken the measures required to combat anti-Semitism and other forms of racism and to establish a valid criterion for measuring the effectiveness of democratic institutions, particularly in those countries which had recently embraced democracy. The report recognized that anti-Semitism was by no means the primary form of prejudice, whose main victims, certainly in Europe, were blacks, gypsies, Turks, Muslims, Asians and other minority groups. However, it demonstrated that overt or covert anti-Semitism was an inherent feature of the ideological and political outlook of racist groups.

6. Despite the concern expressed at the wider European level over current manifestations of racism and xenophobia, and anti-Semitism in particular, there had been no specific recognition of anti-Semitism by any United Nations human rights body, including the Commission on Human Rights, which had yet to condemn the profoundly disquieting nature of anti-Semitism. Not even the International Convention on the Elimination of All Forms of Racial Discrimination referred to anti-Semitism. Its drafting had even been marked by a deplorable but abortive attempt to describe Zionism as a form of racism.

7. On 16 December 1991, the General Assembly had, through resolution 46/86, revoked resolution 3379 (XXX) of 10 December 1977, thereby striking out the grotesque assertion that Zionism was a form of racism. It was not a common occurrence for the General Assembly to revoke its resolutions and the perverse text in question had done incalculable harm to the cause of human rights. That deplorable episode had been closed, although it was remarkable that 25 Member States had opposed the decision to revoke the resolution and a further 13 had abstained.

8. One of the more positive aspects of the Second Decade to Combat Racism and Racial Discrimination had been the drafting of proposed model national legislation to assist Governments in enacting legislation against racial discrimination. As in the recommendation made by the Council of Europe on 27 January 1966, concerning a model law barring incitement to racial and other forms of hatred, the essential purposes of the model legislation currently under consideration were to classify as offences the uttering of a threat or insult ridiculing or defaming a person or group, and the dissemination by any means of such defamation or incitement to hatred. Those proposals would constitute an important step in effectively combating all forms of racism.

9. She drew the attention of the Commission to the regrettable inclusion of an unmistakably anti-Semitic statement in document E/CN.4/1993/70, which had been distributed at the Commission's current session. Although the incident had been fully described in document E/CN.4/1993/83 a proposal had been made by the World Jewish Congress and the International Council of Jewish Women, together with other non-governmental organizations, to prevent any recurrence

of such incidents. The purpose of the proposal, contained in document E/CN.4/1988/NGO/24, was to ensure that United Nations organs, representatives of Member States, accredited observers and other participants in United Nations proceedings respected the international principle enshrined, inter alia, in the main human rights instruments and in particular in article 20, paragraph 2, of the International Covenant on Civil and Political Rights, which proscribed incitement to national, racial, ethnic or religious hatred. She expressed the hope that the necessary steps would be taken to ensure that written defamatory statements were not incorporated in documents or material distributed by the United Nations.

10. Mrs. ROBINSON (Commission of the Churches on International Affairs) said that in the previous three years there had been a global explosion of conflicts caused by racial, ethnic and national tension. The World Council of Churches assisted a variety of groups that supported the victims of aggression, such as the Korean comfort women, the victims of the oppressive caste system in India, and indigenous and black groups, and lent its support to the struggle against apartheid in South Africa.

11. There had been a dramatic resurgence of racism, anti-Semitism and intolerance in western, central and eastern Europe. The chief victims of the Nazi-style actions in former East Germany and West Germany had not only been persons of African and Asian descent, but asylum seekers, recent migrants and Turks who had lived in Germany for 20 years and who faced daily discrimination in housing and employment. Those despicable actions became immensely frightening when they appeared to be endorsed by the authorities. Despite the assertion by Chancellor Kohl that Germany was foreigner friendly, refugees served as scapegoats for the country's tensions. The new restrictive approach to political asylum was in sharp contrast with the situation in those poor countries which accommodated huge numbers of refugees. She suggested that Germany, one of the richest countries in the world, could be expected to accommodate large numbers of refugees and to resist attempts to fortify its national borders. The World Council of Churches was also concerned about the recent agreement between Germany and Romania to allow the deportation of Romanians illegally present in Germany.

12. Racism was not attributable to the presence of large numbers of foreigners in a country, but represented an ideological current that targeted people with visibly different characteristics from the dominant group. The strong encouragement for differentiation along ethnic, racial and national lines was clearly linked to the dramatic political changes of the previous three years, epitomized by the fall of the Berlin Wall.

13. The eruption of racial violence in Los Angeles had sent a shock wave around the world. The World Council of Churches, in conjunction with other religious organizations, had conducted an ecumenical visit to Los Angeles in the wake of the riots to demonstrate its concern about the underlying issues of economic and racial injustice. The National Council of Churches of Christ had expressed moral outrage and condemnation at the failure of the judicial system and the absence of a response to the rise in unemployment and homelessness in the cities of the United States. The rioting in Los Angeles

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had revealed the degree to which the Asian, Latin and African-American communities had been pitted against one another by the struggle for survival in a white-dominated society.

14. One response to racial violence in Germany and racism in the United States had been to strengthen so-called "law enforcement". However, the dense police presence in black areas immediately brought to mind images of war and occupation. The best insurance against further explosions of violence was not a strong police State, but a direct approach to the underlying causes of racism.

15. The World Council of Churches had a long-standing commitment to combating racism. Its programme to combat racism, dating from 1969, had challenged racism globally, and the Council's Central Committee had called on churches to eradicate racism from their own structures and practices. The Council's bodies urged Governments to act to combat racism and to accede to and implement all the relevant United Nations instruments.

16. The World Council of Churches welcomed the report of the Secretary-General on measures to combat racism and racial discrimination and the role of the Sub-Commission (E/CN.4/Sub.2/1991/11), and called on the Commission to request the General Assembly to launch a third Decade to combat racism and racial discrimination, in the light of the continuing rise in global racism. The Council was concerned about the woefully inadequate contributions by States to the Trust Fund for the Programme for the Decade, and called on States to show their commitment not only financially, but by ratifying all the relevant instruments. Lastly, the Council supported the recommendation by the Sub-Commission that the Commission should appoint a special rapporteur on racism, who should report to the Commission on an annual basis.

17. Mr. WIPFLER (Anglican Consultative Council) said that despite the claim made by President De Klerk on 2 February 1990 that a new South Africa had been born, events since then indicated that his claim had been premature and that apartheid was still vigorous in South Africa. At its recent meeting on 31 January in Cape Town, the Anglican Consultative Council had adopted a resolution in which it expressed its shared frustration with its South African brothers and sisters at the slow pace of constitutional talks. It had called on the country's political leaders not to play with the lives of people by attempting to cling to power or score points, and had appealed to all parties to work for the holding of an election during 1993.

18. The report of the Ad Hoc Working Group of Experts on Southern Africa concerning violations of human rights in South Africa (E/CN.4/1993/14), painted a dire picture of the growing violence and violations of fundamental rights in the new South Africa, a picture which tallied with reports both by South African human-rights organizations and by respected international human-rights monitoring bodies.

19. Time did not permit the narration of events or the enumeration of the tragic statistics concerning victims. However, he identified three fundamental causes of the current crisis that demanded denunciation by the international human rights community and the Commission on Human Rights. The

official figures, there had been 2,285 criminal acts committed by right-wing groups in 1992, a ten-fold rise over 1991. During a recent speaking tour of Germany, a black member of his organization had been warned against going out at night in Berlin and told of numerous examples of the racism and xenophobia faced by coloured people and immigrants. Despite mass protests by Germans against racism, the Government's response had been lethargic and concessionary towards the conservative mood.

24. In the United States of America, the sheer magnitude and history of racism demanded greater attention. The history and current status of blacks in the United States represented a case-study in racism and proof of the need for a special rapporteur on the topic. For the past 130 years, the world had left the United States to its own devices to deal with the "race problem". The Constitution and other legislation of the United States had given it an undeserved reputation as the world's leading democracy. Despite the Government's claims that blacks had made progress as a result of the civil rights movement, which it had opposed in the past, the reality was quite different. There were no grounds for the claim made two days before by the representative of the United States that the changes in the American landscape over the past generation had been profound. Although blacks could bear United States passports, the fact that they were not considered citizens was borne out by the special laws needed to protect their citizenship. The history of the United States demonstrated that civil rights were not capable of solving its racial problems: in the United States, there were two unequal societies, one black and one white. The vicious beating of Rodney King was in no way out of the ordinary, but an example of the commonplace brutality of the police towards blacks.

25. The phenomenon of racism in the United States was apparent in the devastating statistics on education, health care, criminal justice and income. As an illustration, unemployment among black teenagers was 45 per cent, as against 18 per cent in the case of whites. The gap in that and other areas had widened, and even life expectancy had fallen for blacks, despite having risen for the population as a whole.

26. Those who had waged the civil rights struggle had been castigated as subversives and communists; those who currently called for social change were branded as terrorists and many of them were currently in prison for supporting the unfinished struggle to eradicate racism and racial discrimination. Racism was also apparent in the pollution of native American land with radioactive waste and in the spread of so-called "black diseases", such as hepatitis B and AIDS. Despite the few blacks who had achieved prominence, the 40 million blacks in the United States were still basically ex-slaves to whom racism denied the right to development and self-determination. Nearly 100 years before, the great black scholar E.B. Du Bois had said that the problem of the twentieth century was the problem of the colour line, an observation that had been confirmed by the events of the past few years.

27. His organization renewed its call for the appointment of a special rapporteur on racism. The United Nations was viewed by many as a last court of redress. Should the international community continue to ignore that expectation, there would be more outbreaks of violence such as that in Los Angeles the previous May, fired by the frustration of the black population

and its distrust of the United States legal system. The special rapporteur should begin his task by dealing with the world's most egregious violator: the United States. Such a step would demonstrate the competence of the United Nations and establish a single standard to which all countries in the world could be held.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING, FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/1993/15 and 77; E/CN.4/1992/9)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (E/CN.4/1993/16; E/CN.4/Sub.2/1992/16)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (E/CN.4/1993/69; E/C.12/1988/1; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (A/47/628)

28. Mr. VALENCIA RODRIGUEZ (Independent Expert), introducing his final report (E/CN.4/1993/15) on the right of everyone to own property, said that only 11 States and 2 international organizations had submitted their observations by the time-limit, which had been set at 15 November 1992. As a result, it had been necessary to include in the report replies sent by other Governments and organizations in previous years in connection with previous reports on the subject. Noteworthy among the countries that had not replied were the former socialist countries of eastern Europe, where major political, social and legal changes were under way. Their replies would have provided a broader overview of the situation regarding property in that region. He suggested that in view of the continuing importance of the subject, the replies received from countries after 15 November 1992 could be included in an updated version of the report so as to provide as extensive and precise a description as possible and to assist Governments in studying the desirability of legal reform. In that connection, the Commission could specify which topics were to be studied in greater detail.

29. Chapter I of the report concerned the place of the right to own property in the hierarchy of all human rights, legal aspects and the international dimension of that right, with special reference to the instruments adopted within the labour sphere, industrial property conventions, the Declaration of Principles adopted by the World Conference on Agrarian Reform and Rural Development, regional instruments and the distinctive features of that right.

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30. Chapter II dealt with the significance of the right to own property as a contribution to securing peace and goals of economic and social development, while chapter III concerned the legal protection of the right to own property and its implementation.

31. The analysis, in Chapter IV, of legislation, policy and practical measures of States relating to property rights focused first of all on private property and State, communal and social property, before going on to analyse the two forms of intellectual property - industrial property and copyright. Particularly noteworthy in that chapter was the attention devoted to the right to adequate housing. Attention was also directed to the tendency to reduce State-owned property and transfer it to private hands, and an examination was made of the right to own property and the principle of non-discrimination. The chapter concluded with a study of the recognition, in Constitutions and other legislation, of the property rights of indigenous populations.

32. Chapter V concerned restrictions on the right to own property, which was not an absolute right. Consideration was given to the principal types of regulation that States could adopt in the interests of public welfare, security and health. Subsequent paragraphs dealt with the limitations deriving from the State's exclusive powers, death duty, and the confiscation of property belonging to persons who had committed offences and to nationals of enemy Powers in time of war. Three major aspects of the limitations on the actions of States were analysed: the prohibition on the removal of property without compensation; arbitrary or unlawful expropriation; and the payment of fair compensation.

33. The final chapter contained conclusions and recommendations. The conclusions concerned, inter alia, the right to own property as a means of contributing to economic and social development and the basic right of the individual to own property and to develop it to its full economic potential. The right to own property was both an individual and a collective right, and the basic laws and other legislation of many States recognized the right to own property as a legal institution and a basic right. It must be recognized that the right to property, and especially economically productive property, emancipated the individual from the State and that civil liberties such as freedom of speech and participation in government flourished in a society that respected property rights.

34. Although the majority of States had declared their commitment to the principle of full recognition and protection of all types of property, there was no such phenomenon as absolute private ownership of productive property in any known economic system. The democratization of property should produce a more just and equitable distribution of wealth, and the concentration of the means of production in the hands of a few was the root cause of a deep class division.

35. The private use of property was also regulated, to a greater or lesser degree, by the State through the range of permissible uses of property and by taxation, which should in no circumstances be of a confiscatory nature. Despite the strong apparent trend towards reducing - or even eliminating - State property, the State should maintain a form of participation in privatized enterprises in order to ensure that property served its proper social function. The right to own property, if legally and fully protected, also benefited the international community, as individuals felt encouraged to trade and invest abroad when they were sure that Governments of other countries would not expropriate their assets without due compensation.

41. Turning to the report of the Secretary-General on the question of the realization of the right to development (E/CN.4/1993/16), he concurred that the appropriate United Nations organs and agencies should specifically recognize the intimate relationship between development activities and efforts to promote respect for human rights in general and economic, social and cultural rights in particular. The major obstacles to the realization of the right to development were the ever-widening gap between the rich countries of the North and the poor countries of the South, a gap which had increased as a result of trade barriers and other phenomena. However, there was no denying domestic impediments, such as corruption, for which transnational corporations and Governments bore joint responsibility.

42. Another serious obstacle was the lack of coordination within the United Nations system as a whole and his delegation welcomed the recommendation for the establishment of an annual inter-agency conference on the right to development. His delegation suggested that the Commission should follow the example of the United Nations Conference on Environment and Development, in particular "Agenda 21", which offered a framework for the coordination of United Nations activities and those of other organizations. The Commission on Human Rights should recognize the importance of that Conference as a channel for promoting the right to development. He endorsed the Secretary-General's recommendation that the issue of the right to development should be placed on the agendas of both the Commission on Sustainable Development and the High-Level Advisory Body on Sustainable Development.

43. His delegation fully endorsed the observations and recommendations contained in paragraphs 48, 49, 50 and 52 of the report concerning the role of international financial institutions in the realization of the right to development. It was high time for the International Monetary Fund and the World Bank to review and implement their original mandates. If they did so, it would be possible to share the burden of adjustment between surplus and deficit countries and to relieve the poorer countries of the obligation to borrow from the private financial markets. Those institutions should also be encouraged to pay special attention to human development.

44. His delegation also supported the Secretary-General's suggestion that a focal point should be established within the Centre for Human Rights to coordinate with other United Nations departments, organs and specialized agencies and to examine developments in those entities with the aim of vigorously pursuing the incorporation of the concept of the right to development in their activities. After the Second World War, the Marshall Plan had led to rapid development in Europe. Africa had been devastated by wars, drought and other natural disasters and his delegation believed that a similar programme could bring Africa to a stage where its people could contribute to the realization of the right to development. Ideological barriers had been replaced by the divide between rich and poor. A true human rights culture must embrace the needs of the poor and help them to realize their aspirations and the right to development.

45. Mr. HITAM (Malaysia), speaking on agenda item 7, said that the global village was made up of some countries which, after a long period of internal strife, external war and subjugating countries and peoples completely alien to

them, considered themselves true democracies and others which, after having decided to abandon communism overnight, had rushed towards democracy and the free-market system. The experience of the latter seemed to indicate that the shock of an overnight change was too drastic to produce the desired result.

46. After having achieved independence almost 36 years before, Malaysia had had to face a communist insurgency, against which it had persevered until it had been possible to negotiate an amnesty between the Government and the Malaysian Communist Party, one of the few instances in which the communist threat had been thus overcome. The first 10 years of its independence had unfortunately been marred by abuse of democracy by those who had stirred up religious and racial prejudice, leading to the race riots of May 1969.

47. With hindsight, that experience had perhaps been a blessing in disguise, as it had led to the suspension of parliamentary democracy and the appointment of a truly representative National Consultative Council, which after two years had reached a consensus allowing Parliament to be reconvened and a new national development strategy to be adopted. Since then, the governing party had repeatedly gone to the polls to seek the endorsement of the electorate through an electoral process which had always preserved the secrecy of the ballot box.

48. Productivity and discipline had become the bywords of a hard-working yet happy society. While the very concept of discipline might be anti-democratic to most western countries, what mattered was the capability of that system to deliver and to achieve acceptance by the people. Tradition and discipline were particularly important in Asia's multiracial societies. While Governments were accountable to the people and responsive to their needs, traditional values and strict laws were in harmony with society and with individual interests.

49. For any one country or group of countries which were themselves grappling with increasingly serious problems associated with drug abuse, street violence, homelessness and racism to dictate their values to other societies was the epitome of intolerance. The Commission should pursue its dialogue for the protection and promotion of human rights in a constructive atmosphere, devoid of threats.

50. National development and the fulfilment of human rights were dependent on a favourable external environment. However, the unfortunate impression had formed that the Commission had been too preoccupied with scrutinizing the political and civil rights in certain selected third-world countries, while neglecting the external environment and pursuit of the right to development. The time had come for the Commission to take a holistic and balanced approach to the promotion of human rights. In particular, he underscored the importance of the implementation of the Declaration on the Right to Development as a crucial component in the fulfilment of economic, social and cultural rights.

51. The 1992 "Human Development Report" of the United Nations Development Programme described the dire economic environment affecting the developing countries. Despite its revelations, the Western developed countries continued to resist attempts by the Group of 77 to obtain recognition for the importance

of implementing the Declaration on the Right to Development. Continuing preoccupation, solely with political and civil rights was tantamount to marginalizing the right to basic freedoms, such as freedom from hunger and from disease, and could lead to a new world order that marginalized rights fundamental to the poor.

52. Almost 25 years before, the International Conference on Human Rights in Tehran had declared that the widening gap between the developed and developing countries impeded the realization of human rights and had acknowledged that the achievement of lasting progress in their implementation was dependent upon sound and effective national and international policies of economic and social development. Those questions were still on the agenda. Against that background, the forthcoming World Conference on Human Rights would achieve significance only if it was able to focus on the linkage between human rights and development and to produce a workable programme of action on the right to development that would, inter alia, enable the Commission to play a balanced and rightful role.

53. Mr. SHARP (Australia) said that the cluster of agenda items under consideration was of particular significance in view of the immediacy of the World Conference on Human Rights. Despite further progress towards universal accession to the international human rights covenants, there were still a substantial number of Member States that had yet to become parties to them; Australia urged all Member States that had not yet done so to ratify, accede or succeed to them. Australia had for its part taken the necessary steps, by lodging formal declarations, to acknowledge the competence of the respective treaty bodies to receive and consider complaints from individuals and communications from States Parties concerning its failure to respect its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Such declarations, reinforced the effectiveness of the treaty system, which had also been strengthened over the past year by the decision of the Economic and Social Council and the General Assembly to increase the meeting time available for a number of important treaty bodies, and by the amendment of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture to provide for regular budget funding for their respective Committees. However, the availability of the funding depended on formal amendment of the Conventions and he urged States Parties to notify their agreement, as Australia was preparing to do, to ensure the availability of the funds.

54. The report of the Fourth Meeting of Chairpersons of the United Nations Treaty Bodies clearly showed that the effectiveness of the treaty system continued to be impeded by the numerous and substantive reservations, by the level of resources available for servicing the committees and, in particular, by the number of overdue reports by States Parties, which constituted a serious disruption of the implementation process. For that reason, Australia endorsed the recommendations by the Fourth Meeting that ways be explored to encourage timely reporting by States Parties.

55. One means of helping States to fulfil their reporting obligations was by providing advisory services and technical assistance, and Australia endorsed the request made by the Fourth Meeting that the secretariat should offer specific types of advisory and technical assistance to Governments in need of them. A further means of providing assistance recommended by the Chairpersons was through training workshops: his Government, in cooperation with the Commonwealth Secretariat human rights unit, had established such a programme which would benefit two officers from southern African countries during the current year. The officers would receive first-hand experience of Australia's report-writing process in the relevant unit of the Federal Attorney-General's Department.

56. In view of the significance of the resource implications of acceding to the major human rights instruments, both treaty bodies and States parties had a responsibility to ensure the effectiveness of the reporting process in order to achieve the collective goal of comprehensive, frank and relevant reports that were both capable of sustaining expert scrutiny and accessible to the public. One means of achieving that goal was the adoption of a thematic approach to reporting, as suggested in the guidelines published by the Committee on the Rights of the Child. The adoption of uniform practices and standard terminology by the Committees would also render the reporting process more transparent and less complex.

57. The lack of time to answer the numerous questions put by the Committees could largely be overcome by providing States with advance notice of many of the questions, thereby reinforcing the underlying desire for a constructive, non-confrontational dialogue. Lastly, his delegation welcomed the publication of the "Manual on Human Rights Reporting" (HR/PUB/91/1), which could be further improved if it were produced in a loose-leaf format to facilitate regular updating. However, it was imperative that the manual should be available in all the official languages.

58. Mr. HUSSAIN (Pakistan) said that the right to development had justly become an important and integral part of the human rights agenda in the wake of the adoption of the Declaration on the Right to Development in December 1986 and the global consultations on the same theme held in Geneva in January 1990.

59. He identified three key elements of the concept: the right of peoples living under alien domination and foreign occupation to self-determination; the indivisible character of human rights and the close linkage between development goals and other initiatives designed to promote respect for human rights; and the consequences of the changing global situation following the end of the cold war and the general trend towards democracy throughout the world. The right to development had become inextricably linked to the peace and stability of the international system.

60. He draw attention to the strong dichotomy between development rhetoric and the reality of underdevelopment and highlighted the contradiction between the dominant free-market ethos and the reality of tariffs and protectionism. The pious lectures on the need to curb military expenditure had no political counterpart in the form of efforts to defuse the essentially political causes of tensions and conflicts, and it was the advocates of reduced military

expenditure who were themselves the biggest exporters of armaments. A further contradiction was the willingness of the West to accept the best brains of the third world while denying the developing countries the right to acquire knowledge in the fields of science and technology. After having built its wealth on the cheap energy and raw materials of the third world, the industrialized countries now seemed unwilling to share some of their prosperity with the poorer peoples of the world.

61. The realization of the right to development would to a large measure depend on the ability of the countries of the West not only to share their technology with the third world, but also to consider the developing countries as partners in a common future. If such a partnership were to emerge, it was first of all necessary to overcome the gross inequality in international economic relations and reverse the widening of the gap between the North and the South. That gap reflected a further dichotomy, as the major donors depicted aid as an instrument for removing disparities and narrowing the gap between the rich and the poor in the recipient countries, while they advocated policies whose result was to widen the gap, in terms of incomes and quality of life, between North and South. The issue of debt, which was a huge burden on third-world countries and strangled them financially and politically, invariably led to instability and even chaos.

62. The second substantive element in the realization of the right to development was the role of the international lending institutions, whose "conditionalities" often constituted an infringement of sovereignty. Less stringent conditions would result in some alleviation of the pressure on the third-world countries, as well as stimulating international trade and the world economy. As they stood, conditions were often responsible for social instability and for retarding the process of development.

63. The third element vital to the realization of the right to development was the transfer of technology, part of the free movement of ideas which had been central to human freedom over the centuries. It was increasingly common for students to be denied visas to attend educational institutions in the West, despite fulfilling all the qualifications. The erection of such barriers was an impediment to the free flow of knowledge and ideas, which innumerable western philosophers had extolled as an inalienable human right. He urged countries to reconsider the policy of denying student visas to qualified students, particularly in the areas of science and technology.

64. Lastly, it was heartening to note that, despite blinkered opposition, the right to development had become an important part of the human rights agenda. If the Commission failed to address the issues before it at its current session, the political cost would be very high and could lead to needless confrontation between the developing and developed countries.

65. Mrs. MENDIZABAL (Women's International League for Peace and Freedom), speaking on agenda item 7, said that her organization was deeply concerned about the continued and intensified violation of economic, social and cultural rights throughout the world, which not only entailed misery as a result of unjust distribution of wealth and power and the growing gap between rich and poor both within and between nations, but was also a danger to peace that could even lead to world war.

66. The problems caused by debt and structural adjustment had been well documented, by both the United Nations agencies and non-governmental organizations. They included an alarming rise in extreme poverty, higher infant mortality, a deterioration in health and massive environmental damage, responsibility for which lay largely with the International Monetary Fund and the World Bank. In order to compel countries to pay their debts, those institutions had imposed policies, in particular structural adjustment policies, which forced Governments to raise prices of food and other necessities, to eliminate jobs and to cut public expenditure, thereby imposing an even greater burden on women who already had a heavy workload. Structural adjustment increased hunger and starvation, infant mortality, the school drop-out rate and the number of street-children and homeless.

67. In addition to imposing structural adjustment, the financial institutions demanded that developing countries should carry out other economic rationalization policies involving privatization, deregulation and fees for basic utilities previously free, while at the same time historically low commodity prices deprived the developing countries of a fair and equitable income for their goods. A massive transfer of funds was under way from the South to the North, epitomized by the fact that the World Bank received more in debt repayment than it lent. Despite being agencies of the United Nations, neither the World Bank nor the International Monetary Fund was accountable for its policies, which had been described as a form of economic Hiroshima.

68. The gains made by the developing countries in the decades after the Second World War were being erased, leading to a cycle of frustration that so often gave rise to understandable protest, because people refused to sit back when their survival was threatened. Social explosions had taken many forms: insurgency in the Philippines, Colombia and Peru, and "IMF riots" in more than 20 countries. It could also take the form of open warfare as in the former Yugoslavia, where the foreign debt had been an important factor in the deteriorating economic environment; that outcome also threatened in eastern Europe and the former Soviet Union. It could also take the form of religious conflict, where fundamentalism fed on the destitution created by IMF-imposed adjustment and liberalization. Those policies were also responsible for unrest in Africa, where an increasing number of countries had been designated least developed countries.

69. Although the agenda item under consideration focused on the special problems faced by the developing countries in their efforts to achieve economic, social and cultural rights, her organization's members in the industrialized countries had drawn attention to the rising unemployment, poverty, homelessness and disease that occurred as jobs were automated or moved to low-cost countries. Those changes had lain behind the upheaval in Los Angeles the previous year, which had reflected the economic, social, cultural and political estrangement of African-Americans, Latins and poor whites, creating fertile ground for the rising crime rate, the increase in racist and anti-Semitic violence, and other forms of breakdown and conflict that were bound to intensify in the West unless solutions are found.

70. Her organization commended the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur on promoting the realization of the right to adequate housing and

strongly supported the idea of appointing a special rapporteur on the relationship between income distribution and the realization of economic, social and cultural rights. It also supported the call for an opinion from the International Court of Justice regarding the conformity of the policies and practices of the World Bank and the International Monetary Fund with the spirit and intent of the Charter of the United Nations. She endorsed the call for the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights by the Secretary-General of the United Nations as a basis for further dialogue and for ensuring that the international financial institutions would never again be permitted to violate human rights as they had so far routinely done. Lastly, people whose economic, social and cultural rights had been violated should be permitted to complain to the Committee on Economic, Social and Cultural Rights through the adoption of an optional protocol to the Covenant.

71. Mr. ROMAZZOTTI (International Movement ATD Fourth World) said that as a result of the adoption of General Assembly resolution 47/196, the world would henceforth celebrate 17 October as International Day for the Eradication of Poverty. That date had been chosen because on 17 October 1987 a plaque to the victims of poverty had been unveiled in Paris, where the Universal Declaration of Human Rights had been signed in 1948. The plaque was dedicated to the victims of hunger, ignorance and violence, and to the firm conviction that poverty was not unavoidable and that wherever people were condemned to live in poverty human rights were violated.

72. The annual commemoration of the victims of poverty on that date had achieved worldwide significance in recent years through similar ceremonies in many countries, at which poor families and individuals had met to mark their refusal to accept their lot. In 1991, a Committee for the recognition of 17 October as International Day for the Eradication of Poverty had been set up. In 1992, the Committee had, through its honorary president, Mr. Perez de Cuellar, called for the commemoration of that date. The Committee had set itself the task of ensuring that the poorest members of society, who had taken the initiative in calling for that commemoration, remained at the centre of the ceremonies held.

73. The significance of that commemoration had been spelt out in the words of a person who had come from the netherworld of extreme poverty. He had stated that all those who had died from extreme poverty were present in spirit at the commemoration, which bore witness to the suffering of the poor and their determination to make themselves heard. To reject extreme poverty was to affirm faith in man. The commemoration had lit a lamp of hope and was a source of encouragement for the poor and for those who shared their struggle to recognize the common interests of mankind.

74. He called on the Commission to ensure that the link between extreme poverty and human rights was taken into account in commemorating International Day for the Eradication of Poverty. The hope generated by the decision to commemorate that date was inseparable from the initiation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the study, requested by the Commission, on the theme of human rights and extreme poverty, which constituted an opportunity for the poor to acquaint the world with their aspirations and preoccupations through a partnership with

United Nations agencies. The existence of such a partnership was attested to by the note by the Secretary-General (E/CN.4/Sub.2/1992/50) and was also apparent at the national level in the report of the French Economic and Social Council on extreme poverty and socio-economic deprivation, which had been a milestone in the debate on extreme poverty.

75. Lastly, he called on the Commission to do its utmost to ensure that 17 October became a date on which the poor could bear witness to their experience and to the struggle to defend and promote human rights for all, and to ensure that the study on human rights and extreme poverty was undertaken on the basis of partnership between the poor and the international community.

76. Mr. LAZHAR (Observer for Algeria), replying to the statement made under agenda item 16 by the representative of a non-governmental organization that anti-Semitic ideas were encouraged in Algeria, said that if that representative were to examine Algerian legislation, he would find that the Algerian Penal Code severely punished all forms of discrimination. Moreover, the Information Code of 3 April 1990 made it illegal for any national or foreign publications to disseminate material contrary to Islamic morals, national values or human rights or to attempt to justify racism and fanaticism.

77. Where newspapers were concerned, article 40 (2)(5) of the Penal Code made it illegal for journalists to attempt to justify, either directly or indirectly, racism, intolerance or violence. The French journalist to whom reference had been made by the non-governmental organization in question had been working without authorization in Algeria. Although his accreditation had initially been refused, he had subsequently been authorized to remain in Algeria.

The meeting rose at 9 p.m.